THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 19002 OF 2005

Dated 29th August 2005

Between:

Alli Venkateswara Rao S/o.Punnamaiah,

Aged:40 years, Occu:Cultivation,

R/o.Penagadapa village, Kothagudem Mandal,

Khammam District.

…Petitioner

And

The Special Deputy Collector (Tribal Welfare),

Bhadrachalam, Khammam District & 2 others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 19002 OF 2005

O R D E R:

The Special Deputy Collector (Tribal Welfare), Bhadrachalam, the first respondent herein, initiated proceedings in Case No.60/2005/KGM, under Andhra Pradesh Scheduled Areas Land Transfer Regulation Rules, 1969, in respect of Ac.1-09 gts. of land, in Sy.No.365/35/A of Penagadapa village, Kothagudem Mandal of Khammam District. Through his orders dated 28.5.2005, the first respondent held that the transfer of the said land in favour of the petitioner is illegal. The petitioner claims to have preferred an appeal, before the second respondent, aggrieved by the

order passed by the first respondent. It is also his case that he filed an application for grant of stay, pending the appeal. The grievance of the petitioner is that the second respondent did not pass any orders in the stay petition, and in the mean while, steps are being taken to dispossess him from the land.

Heard the learned counsel for the petitioner and learned Government Pleader for Social Welfare.

The limited grievance of the petitioner is as regards the inaction of the second respondent, in passing the orders on the stay petition filed by him, along with the appeal preferred against the order dated 28.5.2005. The sale in favour of the petitioner was set aside, and a direction was issued to the third respondent, to resume the possession of the land. If the order passed by the first respondent is implemented, during the pendency of the appeal before the second respondent, nothing remains to be decided in the appeal.

In that view of the matter, the writ petition is disposed of, directing that pending the disposal of the appeal, preferred by the petitioner before the second respondent, against the order dated 28.5.2005, passed by the first respondent, the petitioner shall not be dispossessed from the land in Sy.No.365/35/A, admeasuring Ac.1-09 gts. There shall be no order as to costs.

29th August 2005

PAN